

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLAGSTAR BANK

Plaintiff,

CIVIL ACTION NO. 05-CV-70950-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

FEDERAL INSURANCE CO.,
et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S CONDITIONAL MOTION
TO CONDUCT LIMITED ADDITIONAL DISCOVERY (DOCKET # 78)**

On February 24, 2006 Plaintiff filed a Motion to Compel Discovery (Docket # 41). On April 24, 2006 Plaintiff filed a subsequent motion entitled Plaintiff's Conditional Motion to Conduct Limited Additional Discovery if Plaintiff's Pending Motion to Compel is Granted (Docket # 78), which motion is currently pending before this Court. Defendants oppose Plaintiff's Motion (Docket ## 89, 92). District Court Judge Lawrence P. Zatkoff referred both motions to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A).

The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decision process would not be significantly aided by oral argument. Therefore, this motion will be resolved without oral argument pursuant to E.D. MICH. LR 7.1(e)(2).

In an Order dated June 6, 2006 this Court in part granted, in part denied and in part held in abeyance Plaintiff's Motion to Compel, wherein Plaintiff sought to depose certain individuals and to compel Defendants to produce documents.

Defendants contend that Plaintiff should not be allowed to conduct any of the discovery at issue in its Motion to Compel (Docket # 78) because Plaintiff did not specifically name the individuals it seeks to depose on its trial witness list and because Plaintiff's did not name any witnesses who could establish an evidentiary foundation for the documents it seeks to have produced.

As reflected in the Amended Scheduling Order dated 6/6/06, filed herewith, the Court has extended the deadlines for exchanging trial witness lists and conducting discovery. Accordingly, Plaintiff will have sufficient time to file an amended trial witness list which includes those individuals Plaintiff seeks to depose as part of its February 24, 2006 Motion to Compel, as well as any individuals necessary to establish an evidentiary foundation for the documents at issue in Plaintiff's motion.

The Court therefore **GRANTS** Defendant's Conditional Motion to Conduct Limited Additional Discovery if Plaintiff's Pending Motion to Compel is Granted (Docket # 78).

IT IS SO ORDERED.

V. NOTICE TO PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date

of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: June 06, 2006

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: June 06, 2006

s/ Lisa C. Bartlett
Courtroom Deputy